

SAMUEL BERNARD JOHNSON III
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Plaintiff - *In Pro Se*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SAMUEL BERNARD JOHNSON III,

Plaintiff,

vs.

CHEVRON CORPORATION, a Delaware
corporation, CHEVRON ENVIRONMENTAL
MANAGEMENT COMPANY, a California
corporation, and DOES 1-10,

Defendants

Case No.: C 07-05756 SI (JCS)

**NOTICE OF MOTION OF PLAINTIFF'S
EX PARTE MOTION TO MODIFY THE
COURT'S MAY 22, 2008, (CORRECTED)
PRETRIAL SCHEDULING ORDER**

DATE: Friday, August 22, 2008

TIME: 9:00 a.m.

COURTROOM: 10, 19th Floor

JUDGE: Honorable Susan Illston

NOTICE OF MOTION OF PLAINTIFF'S EX PARTE MOTION TO MODIFY THE COURT'S MAY
22, 2008, (CORRECTED) PRETRIAL SCHEDULING ORDER, CASE NO. C 07-05756 SI (JCS)

**TO DEFENDANTS CHEVRON CORPORATION, CHEVRON
ENVIRONMENTAL MANAGEMENT COMPANY AND THEIR ATTORNEY OF
RECORD:**

PLEASE TAKE NOTICE that on Friday, August 22, 2008, at 9:00 a.m. or as soon thereafter as the matter may be heard, before the Honorable Susan Illston, located at the United States District Court, Northern District of California, San Francisco Division, 450 Golden Gate Avenue, Courtroom 10, 19th Floor, San Francisco, California 94102, Samuel Bernard Johnson III (hereinafter referred to as "Plaintiff Johnson") will and hereby do move for an order granting Plaintiff Johnson's motion to modify the Court's May 22, 2008, (Corrected) Pretrial Scheduling Order in this action.

Plaintiff Johnson makes this motion to modify the Court's May 22, 2008, (Corrected) Pretrial Scheduling Order pursuant to Federal Rules of Civil Procedure Rule 16(b) and Civil Local Rules 6-3 and 7-10 on the grounds that the Chevron Defendants and Counsel for Chevron have withheld relevant discovery that will lead to admissible evidence in this action as well as will assist Plaintiff Johnson in calculating damages in this action. Plaintiff Johnson further contends that the withheld discovery is needed in order to take several employees depositions as well as 30(b) depositions. The parties have already fully briefed on discovery dispute. Counsel for Chevron's letter brief to the second discovery dispute is due on Monday, July 28, 2008. Plaintiff Johnson plans to file a reply to Counsel for Chevron's letter brief.

Plaintiff Johnson's motion is based on this Notice of Motion of Plaintiff's Ex Parte Motion to Modify the Court's May 22, 2008, (Corrected) Pretrial Scheduling Order, the Memorandum of Points and Authorities In Support of Plaintiff's Ex Parte Motion to Modify the Court's May 22, 2008, (Corrected) Pretrial Scheduling Order, the Declaration of Samuel Bernard Johnson III In Support of Plaintiff's Ex Parte Motion to Modify the Court's May 22, 2008, (Corrected) Pretrial Scheduling Order and served herewith, the pleadings and records on file herein, and such additional materials and arguments as may be presented to the Court at or

1 before the hearing on the Motion.

2 Plaintiff Johnson puts forth the following briefing schedule for the Court to adopt as it
3 pertains to Plaintiff Johnson's motion:

- 4 1. Defendants' opposition shall be filed on Friday, August 8, 2008;
- 5 2. Plaintiff's reply to defendants opposition shall be filed on Friday,
6 August 15, 2008; and
- 7 3. A hearing on this motion is set for Friday, August 22, 2008 at 9:00
8 a.m. in Courtroom 19, 10th Floor before the Honorable Susan
9 Illston.

10 By way of this Notice of Motion to Modify the Court's May 22, 2008, (Corrected)
11 Pretrial Scheduling Order, Plaintiff Johnson further requests that no oral arguments be conducted
12 on this pleading and any other pleadings that may be filed with the Court pertaining to this
13 subject matter. Such is requested pursuant to Civil Local Rule 7-6.
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17 Dated this 29th day of July 2008

/s/

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